


## KEHP and Employer Responsibility Chart


### Subject: KEHP and Participating Employer Compliance with the AFFORDABLE CARE ACT

Date: 7/10/13

The chart below accompanies the FAQs published by the Kentucky Employees' Health Plan (KEHP) regarding KEHP and participating employer compliance with the Affordable Care Act (ACA). The chart is a quick-reference guide intended to provide employers participating in KEHP with an easy tool to determine what actions are necessary to ensure compliance with the ACA. For more information, employers should refer to the associated FAQs that address more fully the subject matters outlined in the chart below.

This Chart provides guidance and answers questions you may have regarding the implementation of certain ACA provisions and mandates. This Chart is for informational purposes only. Many ACA mandates and requirements apply specifically to employers. Although this Chart is intended to provide guidance to employers participating in KEHP, each employer is responsible for ensuring that it is in compliance with all employer ACA mandates.

ACA SUBJECT	ACA REQUIREMENT OR ACTION ITEM	EMPLOYER ACTION ITEM	KEHP ACTION ITEM	IMPORTANT COMPLIANCE DATES AND DEADLINES
<b>Employer Play or Pay Mandate</b>  (IMPORTANT NOTE: On July 2, 2013, the Department of Treasury announced that employer reporting requirements and Play or Pay penalties would be delayed until 2015. The compliance dates listed in this chart related to the Employer Play or Pay Mandate are estimates and are expected to be clarified by future guidance and rules published by the Department of Treasury. Despite the announced delay in enforcement provisions of the Play or Pay Mandate, employers should continue to analyze their work force, develop a process for counting employees, and make technological and information system changes as necessary to collect and consolidate employee information by the new January 1, 2015 compliance deadline.)	Determine if employer qualifies as "large" employer	<input checked="" type="checkbox"/>		Beginning mid-2014 and continuing each year thereafter
	Establish applicable measurement periods	<input checked="" type="checkbox"/>		Beginning early to mid-2014 and continuing each year thereafter
	Count and identify full-time (or equivalent) employees	<input checked="" type="checkbox"/>		Beginning mid-2014 and continuing each year thereafter
	Offer minimum essential coverage to full-time employees	<input checked="" type="checkbox"/>		By 1/1/15
	Pay penalties assessed for noncompliance	<input checked="" type="checkbox"/>		2016
	Ensure the minimum essential coverage is affordable		<input checked="" type="checkbox"/>	September 2014
	Ensure the minimum essential coverage has a minimum value		<input checked="" type="checkbox"/>	September 2014
<b>Marketplace Notice Requirements</b>	Draft sample Notice for employer use		<input checked="" type="checkbox"/>	June 2013
	Provide notice to current employees	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	No later than 10/1/13
	Provide notice to new employees	<input checked="" type="checkbox"/>		At the time of hiring beginning 10/1/13
	Upon request, provide information to employee necessary to complete Part B of the Notice	<input checked="" type="checkbox"/>		After 10/1/13 and upon request by employee
	Provide Notice with Open Enrollment materials		<input checked="" type="checkbox"/>	September 2013

<b>The Reinsurance and PCORI Fees</b>	Pay the Transitional Reinsurance Fee		<input checked="" type="checkbox"/>	January 2015
	Pay the PCORI fee		<input checked="" type="checkbox"/>	7/31/13
 <b>Reporting Requirements</b> (IMPORTANT NOTE: On July 2, 2013, the Department of Treasury announced that employer reporting requirements would be delayed by one year. The compliance dates listed in this chart related to employer Pay or Pay reporting are estimates and are expected to be clarified by future guidance and rules published by the Department of Treasury. Once the Department of Treasury issues new rules, employers are encouraged to voluntarily implement the information reporting in 2014, in preparation for the full application of the provisions in 2015.)	Make an informational return to the IRS containing employee information	<input checked="" type="checkbox"/>		2016
	Furnish coverage information to each full-time employee	<input checked="" type="checkbox"/>		January 31 following each calendar year, beginning January 31, 2016
	Report to each employee, on W-2 forms, the cost of group health insurance coverage	<input checked="" type="checkbox"/>		January 31 following each calendar year, beginning January 31, 2013
<b>Non-Grandfathered Status</b>	Ensuring KEHP plans comply with provisions of the ACA regarding non-grandfathered plans		<input checked="" type="checkbox"/>	1/1/14 (provided KEHP loses grandfathered status in 2014)
<b>90-Day Waiting Period</b>	Ensure all employer waiting periods are within the 90-day waiting period limitation		<input checked="" type="checkbox"/>	June 2013 (Beginning 1/1/14, KEHP established a uniform waiting period for all participating employers)
	Ensure that the waiting period (even for employees hired prior to 1/1/14) does not exceed the 90-day limit	<input checked="" type="checkbox"/>		1/1/14
	Ensure that employer publications, materials, and processes reflect the uniform waiting period effective January 1, 2014	<input checked="" type="checkbox"/>		September 2013
	Ensure that KEHP publications, materials, manuals, and processes reflect the uniform waiting period effective January 1, 2014		<input checked="" type="checkbox"/>	September 2013
<b>2014 Consumer Protections</b>	Ensure that no employer eligibility rule discriminates against an employee based on a health factor or pre-existing condition	<input checked="" type="checkbox"/>		1/1/14
	Ensure that KEHP plans either contain or comply with all required consumer protections		<input checked="" type="checkbox"/>	1/1/14
<b>Health Reimbursement Arrangement (HRA)</b>	Ensure KEHP's waiver options comply with federal requirements		<input checked="" type="checkbox"/>	September 2013

